

Lewis Center for Educational Research

**AR 1340 COMMUNITY RELATIONS
REQUEST FOR PUBLIC RECORDS**

Adopted: March 9, 2015

Revised:

Requests for public records shall be made to the office of the President / Chief Executive Officer ("CEO"). The CEO or designee may then determine the most appropriate employee to assist in assembling any public records for production.

Any person may request a copy of any record open to the public and not exempt from disclosure. While a request need not be in writing, if the request is verbal, the requestor will be asked to reduce the request to writing so there is a written record of the records being requested. If the requestor chooses not to reduce the request to writing, the CEO or designee shall reduce the request to writing and confirm the request with the requestor. The request for public records must clearly identify the records requested, along with the name and mailing address of the requestor.

Provisions of the California Public Records Act ("PRA") (Government Code Section 6250 *et seq.*) shall not be construed so as to delay access for purposes of inspecting or receiving copies of records open to the public. Any notification denying a request for public records shall state the name and title of each person responsible for the denial.

The Lewis Center for Educational Research ("LCER") may charge for copies of public records or other materials requested by individuals or groups. The charge, based on the direct cost of duplication, shall be determined by the CEO. The direct cost of duplication includes the pro rata expense of the copying equipment used and the pro rata expense in terms of staff time required to produce the copy. It does **not** include the cost of locating, retrieving, or inspecting records.

Requests to waive associated fees related to the direct cost of duplication shall be submitted to the CEO's office.

Public access shall not be given to records listed as exempt from public disclosure in the PRA or other applicable statutes. Some of the more common exemptions are:

- 1) Records exempted or prohibited from disclosure by federal or state law, including the law of privilege. This includes student records protected from disclosure under the Family Educational Rights and Privacy Act ("FERPA"), a federal statute that protects the privacy interests of parents and students with regard to education records;
- 2) Preliminary drafts, notes, or memoranda not retained in the ordinary course of business, when the public interest in withholding clearly outweighs the public interest in disclosure;
- 3) Records pertaining to pending litigation to which the LCER is a party, or to claims filed against the LCER, which were created in connection with the litigation and were intended to be confidential, until the pending litigation or claim has been finally adjudicated or otherwise settled.;

- 4) Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy;
- 5) Closed session minutes and legal memoranda and other materials distributed in a closed session of the Board of Directors held pursuant to Government Code §54956.9;¹
- 6) Any record, where the public interest served by withholding clearly outweighs the public interest to be served by disclosure.

Within ten (10) days of receiving any request for a copy of records, the CEO or designee shall determine whether the request seeks copies of disclosable public records in the possession of the LCER, and shall promptly inform the person making the request of the LCER's intent to comply with the request.

In unusual circumstances, the CEO may extend the 10-day limit for up to 14 days by providing written notice to the requestor and setting forth the reasons for the extension and the date on which a determination is expected to be made. Unusual circumstances include, but only to the extent reasonably necessary to properly process the request, the following:

- 1) The need to search for and collect the requested records from field facilities or other locations that are separate from the office processing the request;
- 2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request;
- 3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the LCER having substantial subject matter interest therein;
- 4) The need to compile data, to write programming language or a computer program, or to construct a computer report to extract data.

If an inspection is requested, any person shall have reasonable access, during normal business hours, to the public records of the LCER within the requirements of state law. However, if records are not readily available, or if portions of the records to be inspected must be redacted to protect exempt material, then the LCER must be given a reasonable period of time to perform these functions prior to inspection. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance.
